

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

NOTICE TO DEFENDANT: JIN CHERN SHIANG, an individual;
(AVISO AL DEMANDADO): XIN CHUN CORPORATION, a
California corporation; and DOES 1 through 50,
inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
THE PEOPLE OF THE STATE OF CALIFORNIA

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY
ORIGINAL FILED**
Superior Court of California
County of Los Angeles

JAN 20 2016

Sherri R. Carter, Executive Office/Clerk
By: Ishayla Chambers, Deputy
Ishayla Chambers

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA
111 North Hill Street
Los Angeles, CA 90012
Central District-Stanley Mosk Courthouse

CASE NUMBER:
(Número del Caso):

BC 6 07583

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

MICHAEL N. FEUER, City Attorney SBN 111529
JONATHAN CRISTALL, Superv. Assistant City Attorney, SBN 191935
NANCY C. HAGAN, Deputy City Attorney, SBN 273981
200 N. Main St., Room 966, Los Angeles, California 90012; (213) 78-4090

DATE: _____ Clerk, by _____, Deputy
(Fecha) (Sherri R. Carter) (Ishayla Chambers)
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

[SEAL]

JAN 20 2016

1 MICHAEL N. FEUER, City Attorney, SBN 111529
2 MARY CLARE MOLITOR, Chief, Criminal & Special Lit. Branch, SBN 62404
3 JONATHAN CRISTALL, Superv. Assistant City Attorney, SBN 191935
4 NANCY C. HAGAN, Deputy City Attorney, SBN 273981
5 200 North Main Street, Room 966
6 Los Angeles, California 90012
7 Telephone: (213) 978-4090
8 Fax: (213) 978-8717
9 E-Mail: nancy.hagan@lacity.org
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Attorneys for Plaintiff

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Superior Court of California
County of Los Angeles

JAN 20 2016

Sherri R. Lanter, Executive Office/Clerk

By: , Deputy

NO FEE - GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

JIN CHERN SHIANG, an individual; XIN CHUN
CORPORATION, a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.:

BC 6 07 583

**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[HEALTH & SAFETY CODE
SECTION 11570, ET SEQ.; CIVIL
CODE SECTION 3479, ET SEQ.;
BUS. & PROF. CODE SECTION
17200, ET SEQ.]

[Unlimited Action]

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

2 I. INTRODUCTION

3 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
4 State of California ("People"), for the purpose of abating, preventing, and enjoining a narcotics-
5 related public nuisance that exists at a motel located in West Los Angeles called the Grand
6 Motel (the "Motel") with an address commonly known as 1479 S. La Cienega Blvd., Los
7 Angeles, CA 90035 (the "Property"). The Action is brought pursuant to the Narcotics
8 Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.*; the Public
9 Nuisance Law ("PNL"), California Civil Code sections 3479-3480; and the Unfair Competition
10 Law ("UCL"), California Business and Professions Code section 17200, *et seq.*

11 2. The Grand Motel consists of approximately nineteen units housed in a single
12 story building that surrounds a parking lot. Photos of the Property are attached hereto as
13 Exhibit A. It is located within a half mile of four schools and/or daycares – Cheder Menachem,
14 Crescent Heights Boulevard Elementary School, Crescent Heights Early Education Center,
15 and St. Mary Magdalen Elementary School – in addition to St. Mary Magdalen Catholic
16 Church, St. Mark Coptic Orthodox Church, and the Claude Pepper Senior Citizen Center.

17 3. Plaintiff is informed and believes, and thereon alleges, that the Motel has
18 operated at the Property for over three decades. Yet since at least 1997, which is as far back
19 as crime reports are available to Plaintiff, the Property has been a magnet for criminal activity,
20 as evidenced by hundreds of arrests at the Property, approximately 56 of which were
21 narcotics-related. It is well known to the Los Angeles Police Department ("LAPD") as a
22 nuisance location due to the numerous calls for service and arrests as well as the frequent
23 community complaints. For several decades now, the Motel has been a blight to the
24 surrounding community and an immense drain on LAPD resources, as it regularly hosts
25 individuals who sell and/or use narcotics, as well as prostitutes and pimps, all of whom use the
26 Property freely to carry out their transactions. A Yelp review from January 2015 succinctly
27 described the Motel as "No internet drug addicts prostitution."

28 4. Over the past two decades, the Motel has been brought to the attention of

1 several governmental agencies: a concerned citizen filed a complaint with the Zoning
2 Administrator in the City of Los Angeles, the Department of Building and Safety cited the
3 owner of the Property for various Code violations, and the Office of the Los Angeles City
4 Attorney held at least two case conferences with Defendant JIN CHERN SHIANG – one in
5 2005 and one in 2009 – to discuss the nuisance criminal activity at the Motel and steps she
6 could take to stop it.

7 5. This nuisance abatement prosecution is intended to bring the unacceptable state
8 of affairs at the Property to a halt; to make the Property inhospitable to the criminal element
9 that uses the Property to facilitate various narcotics and other criminal activities; and to make
10 the Property safe for the people who live, go to school, worship, and/or do business in the
11 surrounding area. To do so, Plaintiff seeks all available remedies provided by law, including
12 without limitation, for the principals of Defendant XIN CHUN CORPORATION and/or the
13 property owner, Defendant JIN CHERN SHIANG, to reside at the Motel on the Property until
14 the nuisance activity is abated.

15 II. THE PARTIES AND THE PROPERTY

16 A. The Plaintiff

17 6. Plaintiff, the People, is the sovereign power of the State of California designated
18 in California Health and Safety Code section 11571 and California Code of Civil Procedure
19 section 731 to be the complaining party in actions brought to abate, enjoin, and penalize
20 narcotics nuisances and public nuisances, respectively. Furthermore, the City of Los Angeles
21 has a population in excess of 750,000, and as such, California Business and Professions Code
22 section 17204 authorizes Plaintiff, the People, to prosecute actions for relief under California
23 Business and Professions Code section 17200, *et seq.* for unfair competition.

24 B. The Defendants

25 7. Defendant JIN CHERN SHIANG has been the record owner of the Property since
26 at least January 4, 1982.

27 8. Plaintiff is informed and believes, and thereon alleges, that Defendant JIN
28 CHERN SHIANG has also owned and operated the Motel at the Property since approximately

1 1982, at times under various entities, and most recently under Defendant XIN CHUN
2 CORPORATION, which is a California corporation.

3 9. The true names and capacities of defendants sued herein as Does 1 through 50,
4 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
5 names. When the true names and capacities of said defendants have been ascertained,
6 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
7 names the true names and capacities of said fictitiously named defendants.

8 **C. The Property**

9 10. The Property includes a one-story, approximately nineteen-unit motel with an
10 address commonly known as 1479 S. La Cienega Blvd., Los Angeles, CA 90035. The
11 Property's legal description is "Lot 156 and 157 of Tract 6006, in the City of Los Angeles,
12 County of Los Angeles, State of California, as per map recorded in Book 66, Page 54 of Maps,
13 in the office of the County Recorder of said County," with Assessor's Parcel Number 4303-033-
14 014.

15 **III. THE NARCOTICS ABATEMENT LAW**

16 11. The abatement of a nuisance is a long established and well-recognized exercise
17 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
18 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
19 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
20 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
21 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
22 division" (Health & Saf. Code, § 11570.)

23 12. The NAL provides that every building or place used for the purpose of unlawfully
24 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
25 precursor, or analog, *inter alia*, "is a nuisance which **shall** be enjoined, abated, and prevented .
26 . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 (emphasis added);
27 *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court*
28 (1993) 20 Cal.App.4th 866, 870-871.)

13. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance."

14. Health and Safety Code section 11573(a) provides that: “If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge ***shall*** allow a temporary restraining order or injunction to abate and prevent the continuance or recurrence of the nuisance.” (Emphasis added.) In addition, Health and Safety Code section 11581 provides, as an additional remedy, for the removal and sale of all fixtures and movable property on the premises used in aiding or abetting the nuisance and for the closure of the building for up to one year.

IV. THE PUBLIC NUISANCE LAW

15. Civil Code section 3479 defines a public nuisance as “[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any . . . public park, square, street, or highway . . .” (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 (“The Legislature has defined in general terms the word ‘nuisance’ in Civil Code section 3479. . . .”).)

16. Civil Code section 3480 defines a public nuisance as “one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

17. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere" constitutes a public nuisance.

1 (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

2 18. Civil Code section 3491 provides for the methods by which public nuisances
3 such as those alleged herein may be abated. Civil Code section 3491 states that the
4 "remedies against a public nuisance are indictment or information, a civil action or abatement."
5 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
6 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; *see also People v.*
7 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well established
8 that in proper cases injunctive relief which accomplishes the purposes of abatement without its
9 harsh features is permissible.").)

10 19. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
11 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought
12 in the name of the people of the State of California to abate a public nuisance . . . by the city
13 attorney of any town or city in which such nuisance exists."

14 20. Where "a building or other property is so used as to make it a nuisance under the
15 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
16 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
17 *Barbiere* (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L. Harney, Inc.* (1958) 165
18 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without negligence"); *People*
19 *v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on findings that such
20 nuisance was conducted and maintained on the premises in question, regardless of the
21 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
22 unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not necessary . . .
23 for the trial court to find either, that the [defendants] threatened, and unless restrained, would
24 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in
25 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
26 having been found, supports the judgment.".) This is because "the object of the act is not to
27 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*
28 *Co.* (1920) 48 Cal.App. 257, 261.)

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V. UNFAIR COMPETITION LAW

21. The practices forbidden by California's Unfair Competition Law at Business and Professions Code section 17200 *et seq.* include any practices forbidden by law, be they criminal, federal, state, municipal, statutory, regulatory or court-made. As the California Supreme Court has explained, the UCL "borrows violations of other laws and treats them as unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal citations and quotation marks omitted).)

22. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that can properly be called a business practice and that at the same time is forbidden by law." (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. "Any person performing or proposing to perform an act of unfair competition may be enjoined" (Bus. & Prof. Code, § 17203.) The term "person" includes "natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons." (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct liability to include common law doctrines of secondary liability where the liability of each defendant is predicated on his or her personal participation in the unlawful practices. (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952, 960.)

23. Civil actions under the UCL may be brought in the name of the People of the State of California by any city attorney of a city having a population in excess of 750,000 (Bus. & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to section 17200 based on violations of its own municipal code, state law, or other local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

24. Defendants engaging in violations of the UCL may be enjoined in any court of competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or judgments, including appointment of a receiver, as may be necessary to prevent the use or

1 employment by any person of any practice constituting unfair competition. (*Id.*)

2 25. Although no case has specifically been called upon to define the term "business"
3 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
4 as to effect its broad remedial purposes. (*See, e.g., Barquis v. Merchants Collection Ass'n*
5 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
6 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.
7 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
8 to section 17200 make clear that even a one-time act of misconduct can constitute a violation
9 of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

10 26. Further, the ownership and operation of a motel is a business. (*See Clark v. City*
11 *of San Pablo* (1969) 270 Cal.App.2d 121, 125.) Thus, when a property owner conducts,
12 maintains or permits a nuisance that is unlawful under the NAL and/or PNL to exist on the
13 premises of such a business, it is a violation of the UCL. (*See San Francisco v. Sainez* (2000)
14 77 Cal.App.4th 1302, 1323.)

15 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

16 **[Health and Safety Code Section 11570, *et seq.* --**

17 **Against All Defendants and DOES 1 through 50]**

18 27. Plaintiff hereby incorporates by reference paragraphs 1 through 26 of this
19 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

20 28. The Property has been from an exact date unknown but since at least 1997, and
21 is currently being used for the purposes of unlawfully selling, serving, storing, keeping,
22 manufacturing or giving away controlled substances in violation of Health and Safety Code
23 section 11570, *et seq.*, as evidenced by the numerous narcotics transactions that occur on the
24 Property where dealers store their narcotics in the rooms that they rent at the Motel, and users
25 and buyers know to visit the Motel to purchase and use their narcotics. Since 1997, there
26 have been approximately 56 narcotics-related arrests at or stemming from activity at the
27 Property.

28 29. Defendants, and DOES 1 through 50, are responsible for conducting,

1 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
2 no plain, speedy and adequate remedy at law, and unless Defendants and DOES 1 through 50
3 are restrained and enjoined by order of this Court, they will continue to use, occupy and
4 maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation and
5 maintenance of the Property, together with the fixtures and appurtenances located therein, for
6 the nuisance complained of herein, to the great and irreparable damage of the public and in
7 violation of California law.

8 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

9 **[Civil Code Section 3479, *et seq.* --**

10 **Against All Defendants and DOES 1 through 50]**

11 30. Plaintiff incorporates by reference Paragraphs 1 through 29 of this Complaint and
12 makes them part of this Second Cause of Action as though fully set forth herein.

13 31. Since at least 1997 through the present time, Defendants, and DOES 1 through
14 50, have owned, operated, occupied, used, and/or directly or indirectly permitted to be
15 occupied and used, the Property in such a manner as to constitute a public nuisance in
16 violation of Civil Code sections 3479 and 3480. The public nuisance, as described herein, is
17 injurious to health, indecent or offensive to the senses, and/or an obstruction to the free use of
18 property, so as to substantially and unreasonably interfere with the comfortable enjoyment of
19 life or property by those persons living in the surrounding community. The public nuisance at
20 and around the Property is evidenced by hundreds of arrests since 1997 and consists of, but is
21 not limited to: rapes; batteries; assaults with deadly weapons; robberies; pimping and
22 prostitution; and illegal narcotics sales, storage, and/or distribution.

23 32. Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or
24 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
25 wrongful conduct and caused a serious threat to the general health, safety and welfare of the
26 persons in the area surrounding the Property.

27 33. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
28 order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit,

1 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
2 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
3 and irreparable damage of Plaintiff and in violation of California law.

4 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

5 **[Business and Professions Code Section 17200, *et seq.* --**

6 **Against All Defendants and DOES 1 through 50]**

7 34. Plaintiff hereby incorporates by reference paragraphs 1 through 33 of this
8 Complaint and makes them part of this Third Cause of Action, as if fully set forth herein.

9 35. Ownership and operation of a motel is a business. When the owner of such a
10 business violates the NAL and/or PNL such that a nuisance exists and flourishes at the
11 business' premises, as set forth herein, it is also a violation of the UCL.

12 36. Defendants and DOES 1-50 have violated the UCL by engaging in the following
13 unlawful or unfair business acts and practices: conducting, maintaining and/or permitting,
14 directly or indirectly, narcotics activity at the Motel amounting to violations of the NAL as
15 alleged herein; and/or conducting, maintaining and/or permitting, directly or indirectly, narcotics
16 and other criminal and/or nuisance activity at the Property, as alleged herein, in violation of the
17 PNL.

18 37. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50
19 are restrained by this Court and a receiver is appointed to manage the Property, they will
20 continue to commit unlawful business practices or acts, thereby causing irreparable injury and
21 harm to the public's welfare.

22 **PRAYER**

23 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
24 **DECREE AS FOLLOWS:**

25 **AS TO THE FIRST CAUSE OF ACTION**

26 1. That Defendants, DOES 1 through 50, and the Property, be declared in violation
27 of California Health and Safety Code section 11570, *et seq.*
28

1 2. That the Court order Defendants, as owners of the Property and/or the Motel, to
2 reside in the Motel at the Property until the nuisance is abated, in accordance with California
3 Health and Safety Code section 11573.5.

4 3. That the Property, together with the fixtures and moveable property therein and
5 thereon, be found to constitute a public nuisance and be permanently abated as such in
6 accordance with Section 11581 of the California Health and Safety Code.

7 4. That the Court grant a preliminary injunction, permanent injunction and order of
8 abatement in accordance with Section 11570, *et seq.* of the California Health and Safety Code,
9 enjoining and restraining each Defendant and their agents, officers, employees and anyone
10 acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or
11 giving away controlled substances on the Property.

12 5. That the Court order physical and managerial improvements to the Property in
13 accordance with California Health and Safety Code section 11573.5, and such orders as are
14 otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement
15 process, including but not limited to, the following: an internet-connected video monitoring
16 system accessible by LAPD; improved lighting; improved screening of tenants; and armed,
17 licensed security guards.

18 6. That as part of the Judgment, an Order of Abatement be issued, and that the
19 Property be closed for a period of one year, not to be used for any purpose, and be under the
20 control and custody of this Court for said period of time, or, in the alternative, if the Court
21 deems such closure to be unduly harmful to the community, that Defendants, and DOES 1
22 through 50, pay an amount equal to the fair market rental value of the Property for one year to
23 the City or County in whose jurisdiction the nuisance is located in accordance with Health and
24 Safety Code section 11581 subdivision (c)(1).

25 7. That each of the Defendants be assessed a civil penalty in an amount not to
26 exceed twenty-five thousand dollars (\$25,000.00).

27 8. That all fixtures and moveable property used in conducting, maintaining, aiding or
28 abetting the nuisance at the Property be removed by the LAPD and sold in the manner

1 provided for the sale of chattels under execution. Said fixtures and property shall be
2 inventoried and a list prepared and filed with this Court.

3 9. That there shall be excepted from said sale, such property to which title is
4 established in some third party not a defendant, nor agent, officer, employee or servant of any
5 defendant in this proceeding.

6 10. That the proceeds from said sale be deposited with this Court for payment of the
7 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,
8 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
9 other costs as the Court shall deem proper.

10 11. That if the proceeds of the sale do not fully discharge all such costs, fees and
11 allowances, the Property shall also be sold under execution issued upon the order of the Court
12 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
13 monies remaining after payment of approved costs shall be delivered to the owner of said
14 Property. Ownership shall be established to the satisfaction of this Court.

15 12. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
16 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
17 enjoined from transferring, conveying, or encumbering any portion of the Property, for
18 consideration or otherwise, without first obtaining the Court's prior approval.

19 13. That Defendants, and DOES 1 through 50, be ordered to immediately notify any
20 transferees, purchasers, commercial lessees, or other successors in interest to the subject
21 Property of the existence and application of any temporary restraining order, preliminary
22 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
23 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
24 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
25 the subject of this Action.

26 14. That Defendants, and DOES 1 through 50, be ordered to immediately give a
27 complete, legible copy of any temporary restraining order and preliminary and permanent
28 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest

1 to the Property.

2 15. That Defendants, and DOES 1 through 50, be ordered to immediately request
3 and procure signatures from all prospective transferees, purchasers, lessees, or other
4 successors in interest to the subject Property, which acknowledges his/her respective receipt
5 of a complete, legible copy of any temporary restraining order, preliminary and permanent
6 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
7 Office, c/o Deputy City Attorney Nancy C. Hagan or her designee.

8 16. That Plaintiff recover the costs of this Action, including law enforcement
9 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
10 \$1,000,000.00, from Defendants and DOES 1 through 50.

11 AS TO THE SECOND CAUSE OF ACTION

12 1. That the Property, together with the fixtures and moveable property therein and
13 thereon, be declared a public nuisance and be permanently abated as such in accordance with
14 California Civil Code section 3491.

15 2. That each Defendant and their agents, officers, employees and anyone acting on
16 their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
17 operating, conducting, using, occupying, or in any way permitting the use of the Property as a
18 public nuisance. Such orders should include, but not be limited to physical and managerial
19 improvements to the Property, and such other orders as are appropriate to remedy the
20 nuisance on the Property and enhance the abatement process.

21 3. Such costs as may occur in abating said nuisance at the Property and such other
22 costs as the Court shall deem just and proper.

23 4. That Plaintiff be granted such other and further relief as the Court deems just and
24 proper, including closure and/or demolition of the Property.

25 AS TO THE THIRD CAUSE OF ACTION

26 1. That Defendants be declared in violation of Business and Professions Code
27 section 17200.

28 2. That Defendants, as well as their agents, heirs, successors, and anyone acting

1 on their behalves, be permanently enjoined from maintaining, operating, or permitting any
2 unlawful or unfair business acts or practices in violation of Business and Professions Code
3 section 17200.

4 3. That the Court grant a preliminary and/or permanent injunction prohibiting
5 Defendants, as well as their agents, heirs, successors, and anyone acting on their behalves,
6 from engaging in the unlawful or unfair acts and/or practices described herein at the Motel and
7 in the City of Los Angeles. Such orders should include physical and managerial improvements
8 to the Motel.

9 4. That, pursuant to Business and Professions Code section 17206, Defendants be
10 assessed a civil penalty of \$2,500 for each and every act of unfair competition.

11 5. That, pursuant to the Court's equitable power and Business and Professions
12 Code section 17203, the Court make such orders or judgments, including appointment of a
13 receiver, to eliminate the unlawful or unfair competition alleged herein.

14 AS TO ALL CAUSES OF ACTION

15 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
16 the service of process or notices which would have been paid but for Government Code
17 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
18 amount of the fees for certifying and preparing transcripts.

19 2. That Plaintiff be granted such other and further relief as the Court deems just and
20 proper.

21
22 DATED: January 19, 2016

Respectfully submitted,

23 MICHAEL N. FEUER, City Attorney
24 MARY CLARE MOLIDOR, Chief, Crim. & Spec. Lit. Branch
25 JONATHAN CRISTALL, Superv. Assist. City Attorney
NANCY C. HAGAN, Deputy City Attorney

26
27 By: 

NANCY C. HAGAN

28 Attorneys for Plaintiff, THE PEOPLE OF THE
STATE OF CALIFORNIA

EXHIBIT A

Google Maps



Image capture: Oct 2015 © 2016 Google

Los Angeles, California

Street View - Oct 2015



